

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2282 OF 2024

Shaikh Aadil Shaikh Safique ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Mahendra N. Sandhyanshiv for Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 02, 2024

P.C. :

. Heard Mr. Sandhyanshiv, learned counsel for the applicant and Mr. Bajoria, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0091 of 2024 dated 09.05.2024 registered with Azad Nagar Police Station, District - Nashik Rural, for offences under Sections 143, 147, 148, 149, 307, 327, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (IPC) as also under Sections 3, 4 and 25 of the Arms Act, 1959 and under Section 37(1)(c) of the Maharashtra Police Act, 1951.

3. The informant has described in detail as to the manner in which the accused persons, including the applicant, assaulted him on the date and time of the incident. It is alleged that the applicant used axe to carry out the assault.

4. The learned counsel for the applicant submits that one of the co-accused persons was granted anticipatory bail, while the other co-accused person was granted regular bail. While granting regular bail, the Sessions Court observed that the informant / victim had suffered only

simple injuries. On this basis, it is submitted that this Court may consider allowing the present application.

5. The learned APP submits that the role ascribed to the applicant is clear and distinguishable from that of the others, who were granted relief. It is submitted that therefore, this Court may not show any indulgence.

6. This Court has perused the material on record. The statement of the informant clearly alleges that the applicant used an axe to assault him. It is also alleged that the applicant snatched away the mobile of the informant and further took away cash of Rs.17,000/- from the pant pocket of the informant. The allegations are specific and the role of the applicant is evident from the statement of the informant.

7. The reasoning given by the Sessions Court, while granting regular bail to the co-accused person, cannot inure to the benefit of the applicant, who is pressing for anticipatory bail.

8. In view of the above, no case is made out for granting anticipatory bail. The application is rejected.

(MANISH PITALE, J.)

Minal Parab